

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**NANCY MARTIN and,
MARY BETH BRACKIN,**

Plaintiffs,

v.

**CITY OF DOTHAN and JUDGE
ROSE EVANS-GORDON,
Defendants.**

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Case No. 1:05-CV-1172-MEF

**RENEWED MOTION TO EXTEND DISPOSITIVE
MOTION DEADLINE**

Plaintiffs' renews their motion to extend the dispositive motion deadline, this time by two weeks. The dispositive motion filing deadline is currently set for November 16, 2007. Plaintiffs are aware that the Court denied the joint motion for an extension filed by the parties on October 9, 2007. However, since that filing there have been unforeseen and unanticipated circumstances.

The Defendants have completed their deposition of Plaintiff Mary Brackin. The Defendants have insisted that before they make the Defendant available to be deposed, they want to complete their depositions of both Plaintiffs. There has been scheduling problems associated with the Deposition of Mrs. Martin. These problems were due, in part, to Mrs. Martin arranging time off from her employment to drive her only son, and to and be with him, at his departure point for his third tour of duty in Iraq. She was fearful this might

be the last that she sees him.

Mrs. Martin has provided the Defendants with a list of dates that she could be available for a deposition. The most early of these dates is October 23, 2007. The Defendants have had some difficulty in deciding on a date, due, in part, on Plaintiff's counsel instance on dates for the people that he seeks to depose. Mrs. Martin needed sufficient time to notify her employer that she needed the time off.

While this scheduling uncertainty was pending, on Monday, October 15, 2007, Mrs. Martin sustained a serious fall at her employment, Georgia Pacific, in Cedar Springs, Georgia. She fell off an abutment and broke the fall with her face. She suffered substantial facial injuries, was sent to the hospital, and was released to her home for bed rest and healing. She was prescribed strong pain medicine.

Mrs. Martin works for the Human Relations Department of Georgia Pacific and she worries about job loss due to excessive time off. Mrs. Martin has asked her counsel to see if her deposition could be put off until the end of October to give her sufficient time to recover and notify her employer.

Plaintiff's counsel has advised Defendant's counsel that he has several state motion hearings and status calls set for the last week of October, and needed dates certain so that he could attempt continuances in those state court cases. Because Defendants' counsel has to make available several witnesses and arrange her own schedule she is having difficulty offering dates

when Plaintiffs' counsel may depose her people.

Additionally, Plaintiffs' counsel is seeking to receive discovery documents which have been outstanding for several months. Some of these documents are essential in Plaintiffs' prosecution of their case and will be needed prior to deposing witnesses.

For the above stated reasons, Plaintiffs are requesting that only the depositive submission deadline be continued by two weeks. It will not require any other changes to the Court's scheduling Order. If the Court is unpersuaded by counsel's arguments, before they are rejected out of hand, counsel request a conference call so that the parties can better inform the Court of the scheduling problems associated with this case and obtain the Court's guidance.

Respectfully submitted

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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Carol Sue Nelson
Maynard Cooper & Gale

1901 Sixth Avenue North
Birmingham Alabama 35203-2618

/s/Ishmael Jaffree
Ishmael Jaffree